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3/2/2011

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL A. CARTER and MEREDITH CARTER, : x

Plaintiffs, : 09 Civ. 4328 (DLC)

-against-

36 HUDSON ASSOCIATES, LLC, JOSEPH PELL
LOMBARDI & ASSOCIATES, ARCHITECTS,
JOSEPH PELL LOMBARDI, TRIBECA 22
INVESTMENTS LTD., SERVET HARUNOGLU,
ONURHAN HOMRIS and ADG ARCHITECTURE
& DESIGN, P.C., : STIPULATION AND
: ORDER OF
: DISMISSAL WITH
: PREJUDICE

Defendants. : x

36 HUDSON ASSOCIATES, LLC., : x

Third-Party Plaintiff, : x

-against-

FBR CONSTRUCTION GROUP LLC
and JAY FURMAN, : x

Third-Party Defendants. : x

FBR CONSTRUCTION GROUP LLP and JAY
FURMAN, : x

Fourth-Party Plaintiffs, : x

-against-

L'ABBAYE REAL ESTATE, LLC, DAMO
CONSTRUCTION CO., INC. and ZR
CONTINENTAL CORP., : x

Fourth-Party Defendants. : x

IT IS HEREBY STIPULATED, CONSENTED, AND AGREED by and between the
undersigned counsel for the parties in the above entitled action that, with the exception of the

claims asserted in the third-party action which may be litigated in state court notwithstanding the dismissal with prejudice of this action, the action, including all claims (including the claims asserted in the original complaint which were previously dismissed without prejudice), counterclaims, cross-claims, fourth-party claims, and defenses, is dismissed with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil procedure, without costs to any party.

IT IS FURTHER STIPULATED, CONSENTED, AND AGREED by and between the undersigned counsel for the parties in the above entitled action that the dismissal with prejudice of this action shall have no effect on, shall not waive, and is without prejudice to, the claims, cross-claims and defenses asserted in the third-party action entitled FBR Construction Group LLC et al. v. Abednego Associates, Inc. d/b/a AAI et al., Supreme Court, New York County, Third-Party Index No. 590965/09.

Dated: New York, New York
January 20, 2011

*The Clerk of Court shall
close the case.*

So ordered.

*Thomas C. X
3/2/11*

SHEPS LAW GROUP, P.C.

By: *Robert Sheps by R.S.*
Robert Sheps

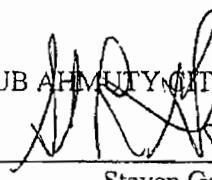
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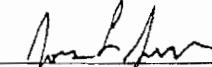
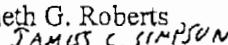
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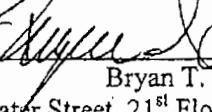
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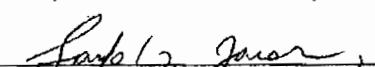
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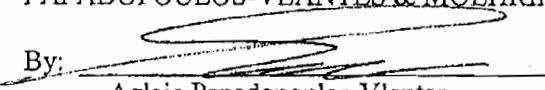
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SO ORDERED:

U.S.D.J.

